No. 99-5283-CSX Title: John B. Dempsey, Petitioner
v.
Ralph Martin, District Attorney for Suffolk County

Docketed: July 16, 1999 Court: Supreme Judicial Court of Massachusetts

Entry	Date	Proceedings and Orders
	Jul 6 1999	Petition for writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due August 15, 1999)
	Jul 6 1999	Motion of petitioner for leave to proceed in forma pauperis filed.
	Aug 26 1999	DISTRIBUTED. September 27, 1999
	Oct 4 1999	REDISTRIBUTED. October 8, 1999
	Oct 12 1999	Motion of petitioner for leave to proceed in forma pauperis DENIED. See Rule 39.8. Petitioner is allowed until November 2, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court. Dissenting opinion by Justice Stevens. Opinion per curiam. (Detached opinion.)

PWC Unavailable For Filming At This Time

Per Curiam

SUPREME COURT OF THE UNITED STATES

JOHN B DEMPSEY *v.* RALPH MARTIN, DISTRICT ATTORNEY FOR SUFFOLK COUNTY

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

No. 99–5283. Decided October 12, 1999

PER CURIAM.

Pro se petitioner Dempsey seeks leave to proceed *in forma pauperis* under Rule 39 of this Court. We deny this request as frivolous pursuant to Rule 39.8. Dempsey is allowed until November 2, 1999, within which to pay the docketing fees required by Rule 38 and to submit his petition in compliance with this Court's Rule 33.1. We also direct the Clerk not to accept any further petitions for certiorari or petitions for extraordinary writs from Dempsey in noncriminal matters unless he first pays the docketing fee required by Rule 38 and submits his petitions in compliance with Rule 33.1.

Dempsey has abused this Court's certiorari and extraordinary writ processes. On October 5, 1992, we invoked Rule 39.8 to deny Dempsey *in forma pauperis* status with respect to a petition for certiorari. See *Dempsey* v. *Sears, Roebuck & Co.*, 506 U. S. 810. At that time, Dempsey had filed 11 petitions for certiorari and 1 petition for an extraordinary writ, all of which were both frivolous and had been denied without recorded dissent. Since that time, Dempsey has filed five petitions for certiorari, all of which were also frivolous and denied without recorded dissent. The instant petition for certiorari thus brings Dempsey's total number of frivolous filings to 19.

We enter the order barring prospective filings for the reasons discussed in *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) *(per curiam)*. Dempsey's abuse of the writ of certiorari and of the extraordinary

writs has been in noncriminal cases, and we limit our sanction accordingly. The order therefore will not prevent Dempsey from petitioning to challenge criminal sanctions which might be imposed on him. The order will, however, allow this Court to devote its limited resources to the claims of petitioners who have not abused our processes.

It is so ordered.

JUSTICE STEVENS, dissenting.

For reasons previously stated, see *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992) (STEVENS, J., dissenting), and cases cited, I respectfully dissent.